

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

**STIPULATION TO VOLUNTARY  
REMAND PURSUANT TO SENTENCE  
FOUR OF 42 U.S.C. § 405(g) AND TO  
ENTRY OF JUDGMENT FOR  
PLAINTIFF**

The parties, through their respective counsel, hereby stipulate and agree that the above-captioned case be reversed and remanded to the Commissioner of Social Security for a new hearing before an Administrative Law Judge (ALJ) and a new decision in regard to Plaintiff's applications for disability insurance benefits and Supplemental Security Income benefits under Titles II and XVI of the Social Security Act. On remand, the ALJ will make efforts to further develop the record; re-evaluate the opinions from medical sources and the prior administrative medical findings in accordance with 20 C.F.R. §§ 404.1520c and 416.920c; re-evaluate the third-party statements; evaluate Plaintiff's fibromyalgia under the two diagnostic requirements of Social Security Ruling (SSR) 12-2p and, if they

are satisfied, apply the requirements of SSR 12-2p and 16-3p to the evaluation of Plaintiff's alleged symptoms; reassess the residual functional capacity; and obtain vocational evidence to make a new Step 5 determination, seeking resolution of any present or apparent conflicts. As this case was previously remanded to the same ALJ, the Appeals Council will direct that, upon remand, this case be assigned to another ALJ.

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that this action be remanded for further administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four.

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

Dated the 20th day of December

Respectfully submitted,

/s/ Heidi L. Triesch for  
 MARC KALAGIAN  
 (\*as authorized via email on 12/19/2022)  
 Attorney for Plaintiff

Dated the 20th day of December

Respectfully submitted,

JASON M. FRIERSON  
 United States Attorney

/s/ Heidi L. Triesch  
 HEIDI L. TRIESCH  
 Special Assistant United States Attorney  
 Attorneys for Defendant

IT IS SO ORDERED:

  
 HON. NANCY J. KOPPE  
 UNITED STATES MAGISTRATE JUDGE

DATED: December 21, 2022